

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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-x-

Christian Castelan (Pro-Se)

Plaintiff,

**COMPLAINT PURSUANT
TO 42 U.S.C. § 1983**

-against-

____-CV-____ (____)

JURY TRIAL REQUESTED: YES

Correctional Officer Keenan A. John
Correctional Officer Shaun H. Kerr
A- Block Sergeant Bermann Joseph

Defendants.

-x-

COMPLAINT

I. PRELIMINARY INTRODUCTION

1. Plaintiff in the above-caption action allege (s) as follows:
2. Plaintiff, Christian Castelan (Pro-Se), DIN #19 A-4453, brings this action seeking relief and damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983, against New York State Department of Corrections and Community Supervision (hereinafter, NYS DOCCS), employees, executive and administrative staff, Correctional Officers and Correctional Supervisors, at Sing-Sing Correctional Facility for money damages brought pursuant to 42 U.S.C. § 1983, to redress the deprivation of rights secured to plaintiff by the Eighth and Fourteenth Amendments to the United States Constitution in their individual and official capacity.

JURISDICTION

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1341 (a)(3), 1341 (a)(4), 1367(a) and 42 U.S.C. § 1983.

VENUE

4. Venue is proper in this District pursuant to 28 U.S.C. § 1331.
5. It is alleged that the individual employees, Executive and Administrative staff members, Correctional Officers, Correctional Supervisors, Medical Staff and Doctors of the Medical Department at the NYS DOCCS retaliated, deprived and violated plaintiff's rights to be free from cruel and unusual punishment.

II. PARTIES IN THE COMPLAINT:

6. Plaintiff is and was at all times relevant herein a citizen of the United States and resides at:

a. Christian Castellan (Pro-Se), DIN #19 A-4453 ,
Sing-Sing Correctional Facility
354 Hunter Street
Ossining, N.Y. 10562

b. **Defendant Number One:**

Correctional Officer Keenan A. John
Sing-Sing Correctional Facility
354 Hunter Street
Ossining, N.Y. 10562

Defendant Number Two

Correctional Officer Shaun H. Kerr,
Sing-Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562

Defendant Number Three

A- Block Sergeant Bermann Joseph
Sing-Sing Correctional Facility
354 Hunter Street
Ossining, N.Y. 10562

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES:

7. There is a grievance procedure at Sins-Sing Correctional Facility
8. All grievances in relation to the matters alleged herein were filed, appealed and exhausted (See, attached Exhibit A).

IV. PREVIOUS LAW SUITS:

9. None

V. STATEMENT OF CLAIM:

10. Plaintiff, Christian Castelan (Pro-Se), brings this action claiming that defendants violated and failed to comply with State and Federal regulations at the NYS DOCCS by assaulting him against him in violation of his right to violation of Eighth and Fourteenth Amendments to the United States Constitution: 42 U.S.C. § 1983.
11. The NYS DOCCS institution giving rise to all of plaintiff's claims alleged herein occurred at Sing-Sing Correctional facility, located at 354 Hunter Street, Ossining, New York, 10562.
12. The places within the institution where the events occurred were at:
 - a. Plaintiff's housing (living quarters) location in Housing Block A
 - b. On H-gallery (the flats)
13. By operation of State and Federal Laws, plaintiff's movement is controlled by the NYS DOCCS, , plaintiff has been incarcerated in the custody of the NYS DOCCS. All defendants are sued in their individual and official capacity.

FIRST CAUSE OF ACTION

IN VIOLATION OF PLAINTIFF'S RIGHTS TO BE FREE FROM CRUEL & UNUSUAL PUNISHMENT HE WAS ASSAULTED BY STATE CORRECTIONAL OFFICER KEENAN A. JOHN (C.O. JOHN) AND CORRECTIONAL OFFICER SHAUN H. KERR, (C.O. KERR)

14. On September 8th 2022, plaintiff was housed on L-gallery when he was called for a visit on the loud speaker. At approximately 12:40 p.m. The mess hall run was completed. L-gallery was the last house to be call and since the end gate on l-gallery leading to the mess hall was closed causing plaintiff to exit the gallery through P-gallery gate. When plaintiff arrived at p-gallery gate it was locked and closed.
15. Two floors below is the bridge leading to the mess hall where several officers are posted and after two-three minutes plaintiff shouted below for the officer attention in attempt to get the officer's attention to open the gate. A female officer the responded, requesting that plaintiff stop screaming, which plaintiff complied to, at this point plaintiff made his way down to H-gallery where it seem like a Correctional Officer Keenan A. John (C.O. John) was waiting for the plaintiff. Suddenly, C.O. John accosted plaintiff inquiring why he was screaming at his officer. Plaintiff explained that he apologized to the officer and all was good between them, plaintiff then asked C.O.

John what the problem was. C.O. John became irate and gave plaintiff a direct order to get on the wall for a pat frisk, which plaintiff complied with.

16. Plaintiff was then pat frisk aggressively and in violent manner that made him feel very uncomfortable. Plaintiff asked C.O. John if his behavior was necessary. C.O. John responded by applying pressure to plaintiff's neck. Plaintiff continues to inquiry about C.O. John's behavior. After the pat frisk C.O. John asked plaintiff for his identification card. The surrounding officers, one of them being Correctional Officer Shaun H. Kerr, (C.O. Kerr) then took an intimidated stance around the plaintiff. Plaintiff then question the officer about what was taking place between him the officer. CO. John then told plaintiff to shut his mouth if he wants to his to make it to the visiting floor.

17. After shrugging off C.O. John comments C.O. John and C.O. Kerr then grabs plaintiff and threw him on the floor the surrounding officer including C.O. John and C.O. Kerr then kicked and stomped him out. After the assault on him plaintiff was escorted to the hospital where photo was taken. Plaintiff never made it to his visit.

SECOND CAUSE OF ACTION

IN VIOLATION OF PLAINTIFF'S RIGHTS TO BE FREE FROM CRUEL & UNUSUAL PUNISHMENT A-BLOCK SERGEANT BERMANN JOSEPH ACTED WITH DELIBERATE INDIFFERENCE IN FAILING TO PROTECT PLAINTIFF FROM ASSAULT BY STATE CORRECTIONAL OFFICER KEENAN A. JOHN (C.O. JOHN) AND CORRECTIONAL OFFICER SHAUN H. KERR, (C.O. KERR)

18. A- Block Sergeant Bermann Joseph who a the mess hall bridge and was present at all time during the incident did not stop or intervene in the assault in doing he failed to supervise his subordinates and his failure resulted in plaintiff obtaining injuries and an inadequate investigation of the incident.

RELIEF

19. Paragraphs 1-through-18 is incorporated herein by reference as though fully set forth.

20. All of the above defendants are sued in their individual and official capacity.

21. Plaintiff demands: A TRIAL BY JURY.

22. Wherefore, plaintiff prays that this Court grant the following relief:

- a. One Million (1,000,000.00) dollars in Compensatory Damages; and,
- b. One Million (1,000,000.00) dollars in Punitive Damages
- c. One Million (1,000,000.00) dollars for violation of constitutional rights

23. I, Christian Castellan (Pro-Se), declare under the penalty of perjury that the foregoing is true and correct.

Dated: 10/25, 2022

Respectfully Submitted,

Christian Castellan

Christian Castelan Plaintiff, Pro-Se

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Christian Castelan (Pro-Se)

Plaintiffs
-against-

Correctional Officer Keenan A. John
Correctional Officer Shaun H. Kerr
A- Block Sergeant Bermann Joseph

Defendant

I, Christian Castelan (Pro-Se), declare under the penalty that I have severed a copy of the attached; (3) copies of a complaint captioned; Christian Castelan (Pro-Se),-against Correctional Officer Keenan A. John Correctional Officer Shaun H. Kerr ,A- Block Sergeant Bermann Joseph on the _____ day of _____, 20____, to the following address(es); U.S. Southern District Court of New York, 500 Pearl St., New York, New York 10007-1312, by placing it in a prepaid postage parcel in a mail box In Sing Sing Correctional Facility to be mailed by the United States Postal Service

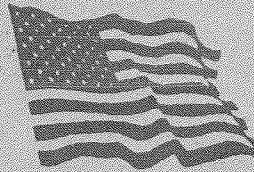
Dated 10/23/22

Ossining, New York



Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562

Christian Castelan 19-A-4453
354 Hunter St
Ossining New York 10562



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Pro Se
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Clerk of the Court
U.S. Southern District Court
of Newark,
500 Pearl St.
Newark NJ 10007-1312

